

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(Appellate Side)

MAT 902 of 2022
With
CAN 2 of 2022

Reserved on: 21.09.2022
Pronounced on: 28.09.2022

Ananya Sundar Mondal @ Raju

...Appellant

-Vs-

Union of India and Others

...Respondents

Present:-

Mr. Mrityunjay Chatterjee,
Mr. G. N. Imrohi,
Mr. Debapriya Majumder,
Mr. P. Hazra, Advocates

... for the appellant

Mr. Kaushik Dey, Advocate

... for the respondents

Coram: THE HON'BLE JUSTICE PRAKASH SHRIVASTAVA,
CHIEF JUSTICE
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ,
JUDGE

Prakash Shrivastava, CJ:

1. In this intra-court appeal, the order of the learned Single Judge dated 11.01.2022 declining to grant the prayer made in W.P.A. No. 19486 of 2021 has been challenged by the writ petitioner.

2. A perusal of the writ petition reveals that the appellant had applied for renewal of his passport on 1st of November, 2021. The passport authority vide communication dated 23rd of November, 2021 had noted the fact that a court case is pending against the appellant, therefore, the authority had required the appellant to submit an undertaking and court order as per the provisions of the G.S.R. 570(E). Aggrieved with the same, writ petitioner had filed the writ petition seeking a direction to the respondents to renew the passport.

3. Learned Single Judge has taken note of Section 6(2)(f) of the Passports Act, 1967 and also the pending trial against the appellant and in view thereof has refused to grant the relief prayed.

4. Submission of the learned Counsel for the appellant is that the passport of the appellant has not been ceased by the trial court and that the appellant does not intend to go abroad, therefore, there is no reason to put any condition for renewal of the passport.

5. As against this, learned Counsel for the respondent has placed reliance upon the statutory provisions and the relevant notification.

6. Having heard the learned Counsel for the parties and on perusal of the record, it is noticed that undisputedly the appellant is facing trial for offence under Section 302/120B of the IPC wherein the charge sheet was filed on 17th of March, 2020. Section 6 of the Passport Act relates to the grounds on which the passport or travel documents can be refused. Section 6(2)(f) which is relevant in the present case reads as under:

“6. Refusal of passports, travel documents. etc.—

X X X X X

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

X X X X X

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;”

7. In the present case, undisputedly the proceedings in respect of the offence committed by the appellant are pending before the criminal court.

8. The Ministry of External Affairs had issued the notification dated 25th of August, 1993 being G.S.R. 570(E) in terms of Section 22 of the Act exempting the citizens of India against whom proceedings in respect of offence are pending before a criminal court and who produce orders from the court concerned permitting them to depart from India, from operation of the provisions of Section 2(f) of the Act, subject to certain conditions. Condition no. (c) of the notification which is relevant in the present case reads as under:

“(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;”

9. The G.S.R. 570(E) is attracted in the present case. Thus, we find no error in the communication dated 23rd of November, 2021 requiring the appellant to submit an order of the competent court as per provisions of G.S.R. 570(E).

10. Learned Single Judge has duly considered this issue and has committed no error in refusing the prayer made in the writ petition. The order the learned Single Judge does not suffer from any error and no case for interference is made out. The appeal is accordingly dismissed.

(PRAKASH SHRIVASTAVA)
CHIEF JUSTICE

(RAJARSHI BHARADWAJ)
JUDGE

Kolkata
28.09.2022

PA(SS)

(A.F.R. / N.A.F.R.)